

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.) CRIMINAL ACTION NO. 05-30002-MAP
)
FRANK DEPERGOLA and)
ARMANDO BOTTA,)
Defendants)

DEFENDANT, FRANK DEPERGOLA'S RENEWED MOTION TO EXTEND
SELF SURRENDER DATE

Now comes the defendant, Frank Depergola, and moves this Honorable Court to extend the date for self surrender to December 15, 2006.

As reasons therefore, please see Affidavit of Counsel attached hereto.

Date: December 4, 2006

The Defendant,

/s/ Michael L. Foy
Michael L. Foy, Esq.
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Springfield, MA 01103
(413) 781-1106
BBO#176920

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AFFIDAVIT OF COUNSEL

I, Michael L. Foy, being duly sworn, say and depose as follows:

1. I am an attorney in good standing licensed to practice law in the United States District Court located in Springfield, Massachusetts.
2. I am counsel of record for the defendant, Frank Depergola.
3. On October 18, 2006, the defendant was before the Honorable Judge Michael A. Ponsor for sentencing. The defendant received a sentence that included 24 months incarceration with a recommendation that the sentence be served at the federal institution at Ft. Devens.
4. The defendant was ordered to self surrender on December 6, 2006 before 2:00 p.m.
5. As of this date, Mr. Depergola has not received any documentation or information from the Bureau of Prisons or the Marshall's Office relative to a reporting destination.
6. The instructions he received indicate that he is to give a 7 day notice to the Marshall's office of his destination for the purposes of serving his sentence.
7. Because the defendant has not yet received documentation or telecommunication from the Bureau of Prisons designating confirmation that he is to self surrender at Ft. Devens, an extension for self surrender appears to be in order to assure assignment to Ft. Devens.

8. Further, as a result of receiving no communication to date, the defendant has no knowledge of his obligations at this time.
9. The defendant is respectfully requesting that he be allowed to self surrender on Friday, December 15, 2006.

Signed under the pains and penalties of perjury this 4th day of December, 2006.

/s/ Michael L. Foy
Michael L. Foy